



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

**MINUTES
of
BOARD MEETING**

Held on
October 29, 2009

Meeting Location: ARCADIS
2 Executive Drive, Suite 303
Chelmsford, Mass.

Prepared by: Staff

[Approved: December 11, 2009]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 2:08 p.m. The other Board members present were Deborah Farnsworth, Jack Guswa, Christophe Henry, Gretchen Latowsky, Robert Luhrs, Kelley Race, and Debra Stake. Gail Batchelder and Kirk Franklin were absent. The LSP Board staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Terry Wood, Al Wyman, and Ron Viola. Also present was Carl Shapiro of the LSP Association.
2. **Announcements:** There were no announcements.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on September 30, 2009. **A motion was made and seconded to approve the minutes as drafted. The motion was approved unanimously.**
5. **Decisions Regarding License Applicants:** The staff presented the following Application Docket:

Docket No. 1: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Eric E. LaMontagne	NSTAR Electric & Gas	#4407	226	D

No members present were recused.

A motion was made and seconded that the Board accept the recommendation from Application Review Panel #226, i.e., that the application submitted by Mr. LaMontagne be denied for the reasons stated in the draft denial letter and that he be found ineligible to take the exam. The motion was approved unanimously.

6. License Renewal Applications:

A. Renewal Dockets. The staff presented the following License Renewal Dockets:

Renewal Docket #1

License Renewal

Renewal Date: October 30, 2009

Have met all requirements for renewal.

New Renewal Date: October 30, 2012

1. Neal J. Carey	#5521
2. Mark D. Casey	#5319
3. David L. Chaffin	#5269
4. Gregg A. Demers	#9642
5. Daniel W. Folan	#1736
6. Paul F. Gabriel	#9244
7. Deborah H. Gevalt	#9290
8. Michael J. Girioni	#7249
9. Pamela G. Hoskins	#6648
10. Joel S. Loitherstein	#6815
11. David T. Montplaisir	#3911
12. Joel S. Mooney	#9819
13. Todd W. Nickerson	#6786
14. Albert J. Ricciardelli	#4180
15. Thomas E. Roy	#2727
16. Wesley E. Stimpson	#2332
17. Oliver C. Udemba	#7971
18. Nelson Walter	#9273
19. David A. Wright	#2031
20. James H. Zigmont	#4409

Renewal Docket #2

Renewal after 90-day Extension

Original Renewal Date: July 30, 2009

Have now completed all requirements for renewal.

New Renewal Date: July 30, 2012

1. James R. Ash	#6581
2. Richard M. Carnevale	#2667

- | | |
|----------------------------|-------|
| 3. Christopher M. Crandell | #3291 |
| 4. William B. Kerfoot | #4276 |
| 5. Anthony W. Makovitch | #2207 |

Renewal Docket #3

Request for 90-day Extension

Renewal Date: October 30, 2009

Qualify for and are requesting a 90-day extension.

New Renewal Date: January 28, 2010

- | | |
|----------------------|-------|
| 1. Alan A. Benevides | #6818 |
| 2. Peter M. King | #7413 |

Renewal Docket #4

Renewal After Expiration

Has now completed all requirements for renewal.

New Renewal Date: October 30, 2012

1. Thomas P. Woodard #1410

Renewal Docket #5

Renewal After Suspension

Has now completed all requirements for renewal and has completed all requirements of consent order.

New Renewal Date: October 30, 2012

1. Henry J. Lord #4857

A motion was made and seconded to renew the licenses of the LSPs on Renewal Dockets #1, #2, #4, and #5 for a three-year period ending on the dates indicated and to grant a 90-day extension to the LSPs on Renewal Docket #3.

Voting in favor of the motion were: Ms. Commerford, Ms. Farnsworth, Mr. Guswa, Mr. Henry, Mr. Luhrs, Ms. Race, and Ms. Stake. Ms. Latowsky voted against the motion. Therefore, **the motion was approved by a vote of 7 to 1.**

B. Other Renewal-related Matters. The staff reported that no waiver requests had been received since the previous meeting, and there were no other renewal-related matters.

7. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. Mr. Quinlan announced that no applications had been received since the previous Board meeting. Therefore, there was no need to establish any new Application Review Panels.

B. Appeals Status Report. Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

C. Inactive Status Report. The staff reported the following change to the list of Inactive LSPs:

- Robert Warren (#7613) – Requested and was placed on Inactive Status on 10/15/09.

A total of five (5) LSPs remain on Inactive Status.

D. Total Number of Active and Inactive LSPs. The staff reported that the total number of Active LSPs as of the date of this meeting was 553.

E. Revisions to Application Form and Instructions. Mr. Viola and Mr. Fierce reported that they are in the process of finalizing the new, electronic Application form and the revised Instructions that go with them. The beta versions of these will be posted on the Board's website before the next Board meeting. Mr. Fierce encouraged the Board members to review the new Application form and Instructions once they are posted, and to notify the staff if they have any suggested edits or other improvements.

8. Examinations:

A. New Licensees. The staff reported that the following approved applicants passed the licensing exam and are now LSPs:

	<u>Exam Date</u>
• Tracy Costa (#9753)	10/23/09
• Douglas Lindsay (#9383)	10/23/09

B. Next LSP Exam. The staff reported that the next exam administration date is yet to be determined.

C. Electronic Administration of Exam. The staff reported that at the October 23rd administration of the exam, further glitches occurred such that one of the six candidates had to take a paper exam for the entire exam and another had to take a paper exam for the afternoon session. The other four examinees experienced no problems with the computer-based administration of their exams. An investigation is continuing into the cause of these glitches.

9. Continuing Education Committee Report:

- A. Course and Conference Approval Requests.** Mr. Henry and Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendation to present to the full Board:

Sponsor: MassDEP

Course Title: MCP Remediation Waste Management

Credits Requested: 8 DEP Course / Regulatory credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: LSP Association

Course Title: Advanced Tools for In-Situ Remediation

Credits Requested: 8 Technical credits

Committee Recommendation: **Approve this course for the credits requested.**

Sponsor: MassDEP

Course Title: The Revised CAM: What You Need to Know

Credits Requested: This course had previously been approved by the Board for 3 DEP Course / Regulatory credits. Now, DEP wishes to add content and expand this course. It is requesting that the Board approve the expanded version for 4 DEP Course / Regulatory credits.

Committee Recommendation: **Approve this expanded course for the credits requested. Also, keep the same Course number.**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business. The Committee had no other business to report.

- 10. Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.

[At this point in the Meeting, Ms. Stake left the room and did not return before the meeting concluded.]

- 11. Personnel, Budget, and Fees:** Ms. Commerford and the other members of the Board thanked Mr. Fierce for his 15+ years of service to the Board. Mr. Fierce, who is retiring before the next Board meeting, thanked the Board members for their hard work and dedication in making the LSP program a successful one, and he said he was proud of all that the Board had accomplished during his tenure. He wished the Board great success in the future.

Ms. Commerford announced that, with a hiring freeze in place, Ms. Wood would become the acting executive director, subject to the approval of the Commissioner, who will meet with Ms. Wood in the near future.

Ms. Commerford also announced that because the Commonwealth continues to collect significantly less revenue than expected each month, the Governor is about to announce a series of mid-year (“9C”) budget cuts that will likely force MassDEP to reduce its staff in the near future by another 20 to 45 employees in addition to the approximately 25 that were laid off last month.

Mr. Guswa asked Ms. Commerford whether she had received any feedback on the letter the Board recently sent to the Commissioner regarding its concerns that the loss of any additional staff members could adversely impact the Board’s operations. Ms. Commerford said that the Commissioner had expressed her appreciation for the hard work the Board is doing but could not make any commitments to the Board about retaining its remaining staff.

12. **Status of Board Member Replacements by Governor:** Ms. Commerford again stated that the Governor has not acted on the one pending replacement request. The Board then engaged in a general discussion of what the best strategy might be to obtain action by the Governor in the near future. Mr. Shapiro, from the LSPA, joined the conversation, adding that it appeared to those observing from the outside that the system for replacing Board members did not seem to be working. Most Board members remain on the Board well beyond the expiration of their terms, and little apparent effort is made to replace them, he said. The Board members responded by noting that they are not the ones holding up the replacement process. At the conclusion of the discussion, it was agreed that as prudent a first step, before contacting the Governor’s office, the Board (with input from the LSPA) should put together a diverse list of candidates for three or four positions on the Board. The Board agreed that such a slate of candidates was much more likely to receive a favorable treatment by the Governor’s office over the course of the next year.
13. **Other Business:** Ms. Read noted that the staff was preparing an article for the next LSPA newsletter. The article would report on the current composition of the Board, giving a brief biography of each member.
14. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on December 11, 2009, at Weston & Sampson Engineers in Peabody.
15. **Enter Executive Session:** A motion was made and seconded that the Board enter Executive Session for the purpose of discussing litigation strategy and to review the minutes of last month’s Executive Session, and that the Board not return to Open Session thereafter. Ms. Commerford conducted a roll-call vote. Each member present voted as follows:

Ms. Batchelder	Aye	Ms. Latowsky	Aye
Ms. Commerford	Aye	Mr. Luhrs	Aye
Ms. Farnsworth	Aye	Ms. Race	Aye
Mr. Guswa	Aye		
Mr. Henry	Aye		

Minutes of LSP Board Meeting, October 29, 2009

At 3:06 p.m. the Board entered into Executive Session.